



CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

APPLICATION FOR ZONING MAP AMENDMENT/LAND USE RECLASSIFICATION (SMARTCODE)

Property Information

TAX PARCEL #

					-			-					●				
					-			-					●				
					-			-					●				

(If necessary, use separate sheet of paper)

For Staff Use Only

Case File #: _____

Date Received: _____

Receipt #: _____

Received By: _____

Zoning: _____

Ward: _____ Flood: _____

Address of Property Involved: _____

Lot(s) _____, Block(s) _____, Subdivision _____

General Location: _____

GENERAL DESCRIPTION OF REQUEST:

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

AGENT

Printed Name Of Owner

Mailing Address

City

State

Zip code

Home Phone

Work/Cell Phone

Email

Signature Of Owner

Printed Name Of Agent

Mailing Address

City

State

Zip code

Home Phone

Work/Cell Phone

Email

Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.

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SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application.

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

(Use additional forms as needed)

IN CASES OF MULTIPLE APPLICANTS, PLEASE IDENTIFY THE PERSON WHO WILL BE ACTING AS YOUR SPOKES

PERSON/AGENT FOR YOU: _____

IMPORTANT NOTICES

1. Please be advised that failure to submit a COMPLETE application, with all supporting documents, may **delay your hearing date**. The Planning Commission will not consider a request until all information required by Ordinance and this application is submitted and accurate.
2. Please be advised that the application deadline dates posted are designed to allow the staff time to review the application and receive required comments from coordinating agencies. The application is not considered complete until all required information from the applicant is available for review by the staff and coordinating agencies.
3. Please see page 7 to determine the deadline dates for filing your application.
4. Please be advised that, at the hearing on your application, you will be **required** to demonstrate, by **clear and convincing evidence** placed in the record before the Planning Commission, at least one of the following:

That there was a mistake in the original zoning (“mistake” has been determined by the Mississippi Supreme Court to be a “mistake” of a clerical or an administrative nature, not a difference in judgment) OR

That the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a public need for rezoning.

The following are types of proof that the Mississippi Supreme Court (*Board of Aldermen, City of Clinton v. Conerly*, 509 So.2d 877 (Miss. 1987) and *Thomas v. Board of Sup’rs of Panola County*, 45 So.3d 1173 (Miss. 2010)) has suggested would be appropriate to be placed in the record to demonstrate the required change to the character of the neighborhood and public need:

- 1) Map showing the circumstances of the area (Conerly)
- 2) The changes in the neighborhood (Conerly)
- 3) Statistics showing a public need (Conerly)
- 4) Maps showing a change or recent rezoning in the area (Thomas)
- 5) Statistics or other evidence of growth in the neighborhood (Thomas)
- 6) Charts showing the quantity of construction (Thomas)

The foregoing is not an exhaustive list and is provided merely for guidance. The City recommends that an applicant for rezoning seek legal counsel as to what evidence the applicant should place in the record, during the hearing before the Planning Commission, in support of the application for rezoning. Neither the City of Gulfport nor its employees can provide an applicant with any legal advice.

APPLICATION REQUIREMENTS

- A. **Page one (and two, if applicable) of this application, completed and signed.**
- B. **Proof of ownership** (Copy of deed or affidavit)
- C. If applicable, notarized proof of **authority to act as agent** for owner (board resolution, etc.)
- D. The City of Gulfport Planning Division Staff may notify, by letter, property owners adjacent to the requested action identified in this application using the Land Roll database from the County Tax Office. If you would like to have additional persons or property owners notified, please provide a list of **additional persons to be notified.**

E. **Provide a written statement addressing the following reasons for your rezoning request:**

The Comprehensive Zoning and SmartCode Ordinances, including the zoning map, are based on comprehensive planning studies and are intended to carry out the object of sound, stable and desirable environment. It is recognized that casual amendment of the ordinances would be detrimental to the achievement of that objective. In order to change the zoning classification of a piece of real property, Mississippi law requires that one of the following be demonstrated by the applicant by **CLEAR AND CONVINCING EVIDENCE:**

- 1. That there was a **mistake** in the original zoning (“mistake” has been determined by the Mississippi Supreme Court to be a “mistake” of a clerical or an administrative nature)
OR
- 2. That the **character of the neighborhood has changed** to such an extent as to justify reclassification, AND that there is a **public need** for rezoning.

F. **The following items must be addressed in a written statement when you are requesting an amendment to the Comprehensive Zoning Ordinance or SmartCode Ordinance:**

1. **Interest:** The applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application; the name of the owner or owners of the entire land area proposed to be changed in classification or to be included within the proposed district; the name of the owner or owners of all structures then existing thereon and sufficient evidence to establish that the applicant has the right of possession to the land area and structures; the names and addresses of all owners of adjacent property (exclusive of the width of intervening streets, alleys or bodies of water);

2. **Development Schedule:** The time schedule for the beginning and completion of development planned by the applicant in the area; if the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage;

3. **Effect of Amendment:** A report giving the nature, description and effect of the proposed amendment; if the proposed amendment would require a change in the zoning map, a description of the probable effect on the surrounding land uses and properties; and

4. **Error:** The error in the zoning ordinance that would be corrected by the proposed amendment; if the intent is to correct an error.

G. **Cash or check** payable to the City of Gulfport in the amount of **\$175.00**.

FOR SMARTCODE LAND USE RECLASSIFICATIONS:

THERE IS NO MINIMAL SIZE REQUIREMENT. PROPERTIES LOCATED WITHIN SMARTCODE OF APPENDIX D TRANSECT ZONES CAN ONLY BE CONSIDERED FOR REZONING IN WHOLE OR IN PART TO THE SUCCESSIONAL (NEXT HIGHER NUMBERED) TRANSECT ZONE.

FOR TRADITIONAL ZONING:

THE MINIMAL SIZE REQUIREMENTS FOR REQUESTING A REZONING OF PROPERTY ARE AS FOLLOWS:

If you wish to change the zoning of a particular area and the area designated for the proposed change does not abut a district of the proposed classification created by amendment, the following size requirements must be met:

R-1, R-1-5, R-1-7.5, R-1-15, R-3 or R-4 Districts:

Four (4) acres, except where the proposed district would abut an existing district zoned the same as the proposed district.

R-2 District:

Four (4) acres, except where the proposed district would abut an existing R-2, R-O, or R-B district.

R-O District:

Four (4) acres, except where the proposed district would abut an existing R-O, R-B or B-1 district.

R-B District:

Four (4) acres, except where the proposed district would abut an existing R-B, B-1, B-2, B-3, or B-4 district.

B-1 District:

Two (2) acres, except where the proposed district would abut an existing B-1, B-2, B-3 I-1 or I-2.

B-2 District:

Four (4) acres, except where the proposed district would abut an existing B-2, B-3, I-1 or I-2 district.

B-3 District:

Twenty (20) acres, except where the proposed district would abut an existing B-3 district.

B-4 District:

Four (4) acres, except where the proposed district would abut an existing B-4 district.

E-G District:

Seven (7) acres of contiguous land, which minimum acreage is comprised of uplands or fastlands only and not bottomlands or tidelands, and is adjacent to and contiguous with U.S. Highway 90 or adjacent in some part to and contiguous with the Mississippi Sound or adjacent harbor areas.

I-1 or I-3 Districts:

Six (6) acres, except where the proposed district would abut an existing I-1, I-2 or I-3

district.

I-2 District:

Twenty (20) acres, except where the proposed district would abut an existing I-2 district.

A-1 District:

Twelve (12) acres, except where the proposed district would abut an existing A-1 district.

R-E District:

Four (4) acres, except where the proposed district would abut an existing R-E District.

T1 Zone:

Twelve (12) acres, except where the proposed district would abut an existing T1 or T2 district.

T2 Zone:

Twelve (12) acres, except where the proposed district would abut an existing T1 or T2 district.

T3 Zone:

Four (4) acres, except where the proposed district would abut an existing T3 district.

T4L Zone (Limited):

Four (4) acres, except where the proposed district would abut an existing T4L or T4+ district.

T4+ Zone (Plus):

Four (4) acres, except where the proposed district would abut an existing T4+ or T5 district.

T5 Zone:

Two (2) acres, except where the proposed district would abut an existing T5 or T6 district.

T6 Zone:

Four (4) acres, except where the proposed district would abut an existing T6 district.

Once you have ensured that you meet the size requirements, you must also show a need for uses. You must be able to show and demonstrate a need in the area for those uses permitted to the proposed district.